

## **REMARKS**

Claims 1-12, 14-16, and 25 are pending. Claims 13, 17-24, and 26-27 have been canceled. No new matter has been added. Entry of the amendment is respectfully requested. Reconsideration is respectfully requested.

### **Status Of The Pending Claims**

Claims 1-12, 14, 16, and 25 were allowed.

Claim 15 was indicated allowable if written in an independent format. Claim 15 has been written herein as an independent claim, as requested by the Office. Thus, Applicants respectfully submit that all of the pending claims 1-12, 14-16, and 25 are allowable.

### **The Drawing Objections**

Applicants respectfully disagree with the drawing objections. Nevertheless, the drawings (Figures 9 and 10) have been amended to advance prosecution, as requested. A Request to Amend Drawings is attached herewith. Thus, Applicants respectfully submit that the drawing objections should be withdrawn.

Applicants' traversals of the drawing objections remain. Applicants respectfully submit that drawing Figure 9 is not to be read in a vacuum, but in light of the entire disclosure. The reference characters 154 and 164 do not designate the *same* part in Figure 9. The disclosure is clear that the cam 154 is bounded by a cam surface 164 (e.g., page 22, line 17). This is further evidenced by Figures 7 and 10. The cam surface 164 is part of the cam 154. A line pointing to a cam's surface 164 would also be pointing to that cam 154.

Likewise, drawing Figure 10 is not to be read in a vacuum, but in light of the entire disclosure. The reference characters 94 and 80 do not designate the *same* part in Figure 10. The disclosure is clear that the picking member 72 has an outer bounding surface 80 (e.g., page 17, line 1; Figures 2-3). The disclosure is also clear that the picking member 72 has a shaft 88 and three separated cylindrical portions (central portion 90, first outboard portion 92, and second outboard portion 94) are supported on the shaft (e.g., page 19, lines 7-14; Figures 2-3). Figure 10 shows the outer surface of segment 144 moved to generally conform with the outer bounding surface 80 of the picking member 72. Figure 10 also shows outboard portion 94.

Applicants also respectfully traverse the drawing objections on the basis that the application includes at least one process claim. MPEP § 601.01(f) and MPEP § 608.02 make clear that with recitation of a method claim a drawing is neither necessary for an understanding of the invention nor required. The drawings were filed as a courtesy to the Office. However, if the Office so desires, Applicants can delete all of the (not required) drawing figures and references thereto, especially figures 9 and 10. Applicants respectfully submit that the drawing objections should be withdrawn.

### **The Examiner's Comments**

The Examiner states (on Action page 2) that he has "multiple degrees in engineering" and is "one skilled in the art". First, although the statement may be true, there isn't any evidence of record to support the statement. Second, a person having ordinary skill in the art "is not definable by way of credentials". MPEP 2141.03. Third, the issue is one of *ordinary* skill in the art, not expert skill. That is, the issue is "what would have been obvious to one of ordinary skill in the art at the time the invention was made, and not to . . . geniuses in the art". MPEP 2141.03.

### **Applicants' Response Complies With 37 CFR 1.116**

"Drawing and specification corrections, presentation of a new oath and the like are generally considered as formal matters". MPEP 714.02. Further, "amendments filed after a final rejection, but before or on the date of filing an appeal, complying with objections or requirements as to form are to be permitted after final action". MPEP 714.12. Also, "In an application in which prosecution on the merits is closed . . . where an amendment is presented curing the noted formal defect . . . the amendment in such a case will be entered . . . as to the formal matter". MPEP 714.20(C).

Applicants respectfully submit that the amendment places the application in condition for allowance. The amendment avoids the rejections set forth in the last Office action because it recites only the subject matter indicated allowable by the Office. All rejected claims were canceled. The amended claim 15 does not raise the issue of new matter nor present new issues requiring further consideration or search, because the subject matter therein has already been claimed and examined (and indicated allowable). The amendment also does not present additional claims but rather cancels claims. Furthermore, the claims have been amended at the suggestion of the Office.

### **Conclusion**

Applicants respectfully submit that this application is in condition for allowance.

The undersigned is willing to discuss any aspect of the Application by telephone at the Office's convenience.

Respectfully submitted,



---

Ralph E. Jocke      Reg. No. 31,029  
WALKER & JOCKE  
231 South Broadway  
Medina, Ohio 44256  
(330) 721-0000